

DRAFT RECODIFICATION

Title 79 RCW PUBLIC LANDS

Chapter 79.11 RCW STATE LAND SALES

PART I Sale Procedures

RCW ~~76.01.010~~ 79.11.005 Sale of ~~other than state lands~~ administrative sites.

(1) The department of natural resources is hereby authorized to sell any real property not designated or acquired as state forest lands, but acquired by the state, either in the name of the forest board, the forestry board, or the division of forestry, for administrative sites, lien foreclosures or other purposes whenever it shall determine that ~~said~~ the lands are no longer or not necessary for public use.

{forest lands in the context of this section means "state forest lands" as defined in RCW 79.02.010}

[1988 c 128 § 12; 1955 c 121 § 1.]

(2) The sale may be made after public notice to the highest bidder for such a price as shall be approved by the governor, but not less than the fair market value of the real property, plus the value of improvements thereon. Any instruments necessary to convey title shall must be executed by the governor in a form approved by the attorney general.

{76.01.020}

(3) All amounts received from the sale shall must be credited to the fund of the department of government that is responsible for the acquisition and maintenance of the property sold.

{76.01.030}

RCW ~~79.01.096~~ 79.11.010 Maximum and minimum acreage subject to sale or lease-- Exception--Approval by legislature or regents--Duration of leases--Alteration of leases.

(1) Not more than one hundred and sixty acres of any land granted to the state by the United States shall be offered for sale in one parcel and no university lands shall be offered for sale except by legislative directive or with the consent of the board of regents of the University of Washington.

(2) Any land granted to the state by the United States may be sold ~~or leased~~ for any lawful purpose in such minimum acreage as may be fixed by the department of natural resources.

~~Except as otherwise provided in RCW 79.01.770, upon the application of a school district or any institution of higher education for the purchase or lease of lands granted to the state by the United States, the department of natural resources may offer such land for sale or lease to such school district or institution of higher education in such acreage as it may determine, consideration being given upon application of a school district to school site criteria established by the state board of education: PROVIDED, That in the event the department thereafter proposes to offer such land for sale or lease at public auction such school district or institution of higher education shall have a preference right for six months from notice of such proposal to purchase or lease such land at the appraised value determined by the board of natural resources.~~

{moved to 79.17.100}

~~State lands shall not be leased for a longer period than ten years: PROVIDED, That such lands may be leased for the purpose of prospecting for, developing and producing oil, gas and other hydrocarbon substances or for the mining of coal subject to the provisions of chapter 79.14 RCW and RCW 79.01.692. Such lands may be leased for agricultural purposes for any period not to exceed twenty five years except that such leases which authorize tree fruit and grape production may be for any period up to fifty five years. Such lands may be leased for public school, college or university purposes for any period not exceeding seventy five years. Such lands may be leased for commercial, industrial, business, or recreational purposes for any period not exceeding fifty five years. Such lands may be leased for residential purposes for any period not to exceed ninety nine years.~~

(moved to 79.13.010 (4) and 79.13.060 (1))

~~If during the term of the lease of any state lands for agricultural, grazing, commercial, residential, business, or recreational purposes, in the opinion of the department it is in the best interest of the state so to do, the department may, on the application of the lessee and in agreement with the lessee, alter and amend the terms and conditions of such lease. The sum total of the original lease term and any extension thereof shall not exceed the limits provided herein.~~

{moved to 79.13.060 (3)}

[1982 c 54 § 1; 1979 ex.s. c 109 § 4; 1971 ex.s. c 200 § 1; 1970 ex.s. c 46 § 1; 1967 ex.s. c 78 § 1; 1959 c 257 § 5; 1955 c 394 § 1; 1927 c 255 § 24; RRS § 7797-24. Prior: 1915 c 147 § 15; 1909 p 256 § 4; 1907 c 256 § 5; 1903 c 91 § 3; 1897 c 89 § 11. Formerly RCW 79.12.030.]

Notes:

Reviser's note: This section does not apply to state tidelands, shorelands, harbor areas, and the beds of navigable waters. See RCW 79.01.093.

Severability--Effective date--1979 ex.s. c 109: See notes following RCW 79.01.036.

Severability--1971 ex.s. c 200: "If any provision of this 1971 amendatory act, or its application to any person or circumstances is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1971 ex.s. c 200 § 6.]

Public lands, funds for support of common school fund: State Constitution Art. 9 § 3.

School and granted lands: State Constitution Art. 16.

University of Washington: Chapter 28B.20 RCW.

RCW 79.01.094-79.11.020 Powers / Duties of department. of department over lands granted to state for educational purposes.

The department of natural resources shall exercise general supervision and control over

the sale ~~or lease~~ for any purpose of land granted to the state for educational purposes ~~and also over the sale of timber, fallen timber, stone, gravel and all other valuable materials situated thereon~~. It shall be the duty of the department to prepare all reports, data and information in its records pertaining to any such proposed sale ~~or lease~~. The department shall have power, if it deems it advisable, to order that any particular sale ~~or lease~~ of such land ~~or valuable materials~~ be held in abeyance pending further inspection and report. The department may cause such further inspection and report of land ~~or materials~~ involved in any proposed sale ~~or lease~~ to be made and for that purpose shall have power to employ its own inspectors, cruisers and other technical assistants. Upon the basis of such further inspection and report the department shall determine whether or not, and the terms upon which, the proposed sale ~~or lease~~ shall be consummated.

{see also 79.13.040 (3) and (4) and 79.15.020}

[1988 c 128 § 54; 1941 c 217 § 3; Rem. Supp. 1941 § 7797-23A. Formerly RCW 43.65.060.]

RCW 79.01.216 79.11.030 Sale procedure—Terms of sale. —Deferred payments, rate of interest.

All state lands shall be sold on terms and conditions established by the board ~~of natural resources~~ in light of market conditions. Sales by real estate contract or for cash may be authorized. All deferred payments shall draw interest at such rate as may be fixed, from time to time, by rule adopted by the board ~~of natural resources~~, and the rate of interest, as so fixed at the date of each sale, shall be stated in all advertising for and notice of sale and in the contract of sale. All remittances for payment of either principal or interest shall be forwarded to the department ~~of natural resources~~.

[1984 c 222 § 11; 1982 1st ex.s. c 21 § 159; 1969 ex.s. c 267 § 1; 1959 c 257 § 24; 1927 c 255 § 54; RRS § 7797-54. Prior: 1917 c 149 § 1; 1915 c 147 § 3; 1907 c 256 § 3; 1897 c 89 § 16; 1895 c 178 §§ 25, 29. Formerly RCW 79.12.380.]

Notes:

Severability--Effective date--1984 c 222: See RCW 79.66.900 and 79.66.901.

Savings--Captions--Severability--Effective dates--1982 1st ex.s. c 21: See RCW 79.96.901 through 79.96.905.

RCW 79.01.088 79.11.040 Who may purchase ~~or lease~~--Application--Fees.

Any person desiring to purchase any state lands, ~~or to purchase any timber, fallen timber, stone, gravel, or other valuable materials situated on state lands, or to lease any state lands~~, shall file ~~in the office of the commissioner of public lands~~ an application, on the ~~proper forms which shall be provided by the department and~~ accompanied by reasonable the fees to be prescribed by the board of natural resources in an amount sufficient to defray the cost of performing or otherwise providing for the processing, review, or inspection of the applications or activities permitted pursuant to the applications for each category of services performed. These fees shall be credited to the resource management cost account (RMCA) fund as established under RCW 79.64.010 in the general fund. authorized under RCW 79.02.250.

{see also: 79.13.020 and 79.15.045}

{deleted language incorporated into 79.02.250}

[1982 1st ex.s. c 21 § 151; 1979 ex.s. c 109 § 2; 1967 c 163 § 4; 1959 c 257 § 3; 1927 c 255 § 22; RRS § 7797-22. Prior: 1909 c 223 § 2; 1907 c 256 § 5; 1903 c 74 § 1; 1897 c 89 § 11; 1895 c 178 §§ 17, 18. Formerly RCW 79.12.010.]

Notes:

Savings--Captions--Severability--Effective dates--1982 1st ex.s. c 21: See RCW 79.96.901 through 79.96.905.

Severability--Effective date--1979 ex.s. c 109: See notes following RCW 79.01.036.

RCW ~~79.01.112~~ 79.11.060 Entire section may be inspected.

Whenever application is made to purchase less than a section of unplatted state lands, the ~~commissioner of public lands~~ department may order the inspection of the entire section or sections of which the lands applied for form a part.

[1959 c 257 § 9; 1927 c 255 § 28; RRS § 7797-28. Prior: 1909 c 223 § 2. Formerly RCW 79.12.070.]

RCW ~~79.01.120~~ 79.11.070 Survey to determine area subject to sale ~~or lease~~.

The ~~commissioner of public lands~~ department may cause any state lands to be surveyed for the purpose of ascertaining and determining the area subject to sale ~~or lease~~.

{see also 79.13.040 (2) }

[1982 1st ex.s. c 21 § 153; 1959 c 257 § 11; 1927 c 255 § 30; RRS § 7797-30. Prior: 1909 c 223 § 2; 1907 c 256 § 5; 1903 c 74 § 1; 1897 c 89 § 11; 1895 c 178 §§ 17, 18. Formerly RCW 79.12.090.]

Notes:

Savings--Captions--Severability--Effective dates--1982 1st ex.s. c 21: See RCW 79.96.901 through 79.96.905.

RCW ~~79.01.092~~ 79.11.080 Inspection and appraisal--~~Minimum price of lands for educational purposes--Improvements on land.~~

When in the judgment of the department ~~of natural resources~~, there is sufficient interest for the appraisalment and sale, ~~or the lease, for any lawful purpose, excepting mining of valuable minerals or coal, or extraction of petroleum or gas,~~ of state lands, the department shall cause each tract of land to be inspected as to its topography, development potential, forestry, agricultural and grazing qualities, coal, mineral, stone, gravel or other valuable material, the distance from any city or town, railroad, river, irrigation canal, ditch or other waterway, and location of utilities. In case of an application to purchase land granted to the state for educational purposes, the department shall submit a report to the board ~~of natural resources~~, which board shall fix the value per acre of each lot, block, subdivision or tract proposed to be sold in one parcel, which value shall be not less than ten dollars per acre. In case of applications to purchase state lands, other than lands granted to the state for educational purposes and capitol building lands, the department shall appraise and fix the value thereof.

~~In case of interest for the lease of state lands, for any lawful purposes other than that of mining for valuable minerals or coal, or extraction of petroleum or gas, the department shall fix the rental value thereof, and~~

~~only improvements authorized in writing by the department of natural resources or consistent with the approved plan of development shall be placed on state lands under lease and these improvements shall become the property of the state at the expiration or termination of the lease unless otherwise agreed upon under the terms of the lease: PROVIDED, That these improvements may be required by the department of natural resources to be removed at the end of the lease term by the lessee at his expense. Any improvements placed upon any state lands without the written authority of the commissioner of public lands shall become the property of the state and be considered part of the land. {see also 79.13.040 & .050}~~

[1979 ex.s. c 109 § 3; 1967 ex.s. c 78 § 3; 1959 c 257 § 4; 1941 c 217 § 2; 1935 c 136 § 1; 1927 c 255 § 23; Rem. Supp. 1941 § 7797-23. Prior: 1909 c 223 § 2; 1907 c 256 § 5; 1903 c 74 § 1; 1897 c 89 § 11; 1895 c 178 §§ 17, 18. Formerly RCW 79.12.020.]

Notes:

Reviser's note: This section does not apply to state tidelands, shorelands, harbor areas, and the beds of navigable waters. See RCW 79.01.093.

Severability--Effective date--1979 ex.s. c 109: See notes following RCW 79.01.036.

RCW 79.01.200 79.11.090 Sale procedure--Sales at by public auction / Appraised value. or by sealed bid--Minimum price--Exception as to minor sale of valuable materials at auction.

~~Except as provided in RCW 79.11.340, All sales of land under this chapter shall be at public auction, and all sales of valuable materials shall be at public auction or by sealed bid to the highest bidder, on the terms prescribed by law and as specified in the notice provided under RCW 79.11.120, and no land or materials shall be sold for less than its appraised value: PROVIDED, That on public lands granted to the state for educational purposes sealed bids may be accepted for sales of timber or stone only: PROVIDED FURTHER, That when valuable material has been appraised at an amount not exceeding one hundred thousand dollars, the department of natural resources, when authorized by the board of natural resources, may arrange for the sale at public auction of said valuable material and for its removal under such terms and conditions as the department may prescribe, after the department shall have caused to be published not less than ten days prior to sale a notice of such sale in a newspaper of general circulation located nearest to property to be sold. This section does not apply to direct sales authorized in RCW 79.01.184.~~

~~{strikeouts moved to 79.15.080 (1) and 79.15.110 (1)(a)}
{see also 79.15.050 (1)}~~

[1989 c 148 § 3; 1988 c 136 § 1; 1979 c 54 § 2; 1975 1st ex.s. c 45 § 1; 1971 ex.s. c 123 § 3; 1969 ex.s. c 14 § 4; 1961 c 73 § 3; 1959 c 257 § 21; 1933 c 66 § 1; 1927 c 255 § 50; RRS § 7797-50. Prior: 1923 c 19 § 1; 1913 c 36 § 1; 1909 c 223 § 4; 1907 c 152 § 1; 1897 c 89 § 14; 1895 c 178 § 28. Formerly RCW 79.12.340.]

RCW ~~79.01.146~~ 79.11.100 Date of sale limited by time of appraisal.

—(1) In no case shall any lands granted to the state be offered for sale under this chapter unless the same shall have been appraised by the board of natural resources within ninety days prior to the date fixed for the sale.

—(2) ~~For the sale of valuable materials from state land under this title, if the board of natural resources is required by law to appraise the sale, the board must establish a minimum appraisal value that is valid for a period of one hundred eighty days, or a longer period as may be established by resolution. The board may reestablish the minimum appraisal value at any time. For any valuable materials sales that the board is required by law to appraise, the board may by resolution transfer this authority to the commissioner of public lands.~~

—(3) ~~Where the board of natural resources has set a minimum appraisal value for a valuable materials sale, the commissioner of public lands may set the final appraisal value of valuable materials for auction, which must be equal to or greater than the board of natural resources' minimum appraisal value. The commissioner may also appraise any valuable materials sale not required by law to be approved by the board of natural resources.~~

{strikeout moved to 79.15.060}

[2001 c 250 § 2; 1982 1st ex.s. c 21 § 152; 1959 c 257 § 10; 1935 c 55 § 1 (adding section 29 to 1927 c 255 in lieu of original section 29 which was vetoed); RRS § 7797-29. Prior: 1909 c 223 § 2. Formerly RCW [79.12.080](#).]

NOTES:

Savings -- Captions -- Severability -- Effective dates -- 1982 1st ex.s. c 21: See RCW [79.96.901](#) through [79.96.905](#).

RCW ~~79.01.136~~ 79.11.110 Separate appraisal of improvements not owned by the state before sale or lease—~~Damages and waste to be deducted—Appraisal by review board.~~

~~Before any state lands are offered for sale, or lease, or are assigned, the department of natural resources may establish the fair market value of those authorized improvements not owned by the state. In the event that agreement cannot be reached between the state and the lessee on the fair market value, such valuation shall be submitted to a review board of appraisers. The board shall be as follows: One member to be selected by the lessee and his the expense shall be borne by the lessee; one member selected by the state and his the expense shall be borne by the state; these members so selected shall mutually select a third member and his the expenses shall be shared equally by the lessee and the state. The majority decision of this appraisal review board shall be binding on both parties. For this purpose "fair market value" is defined as: The highest price in terms of money which a property will bring in a competitive and open market under all conditions of a fair sale, the buyer and seller, each prudently knowledgeable and assuming the price is not affected by undue stimulus. All damages and wastes committed upon such lands and other obligations due from the lessee shall be deducted from the appraised value of the improvements: PROVIDED, That the department of natural resources on behalf of the respective trust may purchase at fair market value those improvements if it appears to be in the best interest of the state from the *RMCA resource management cost account, RCW 79.64.020, of the general fund.~~

{moved to 79.13.160}

[1979 ex.s. c 109 § 5; 1959 c 257 § 14; 1927 c 255 § 34; RRS § 7797-34. Prior: 1915 c 147 § 2; 1909 c 223 § 3; 1907 c 256 § 6; 1901 c 148 § 1; 1899 c 129 § 1; 1897 c 89 § 12; 1895 c 178 § 23. Formerly RCW 79.12.130.]

Notes:

Reviser's note: *(1) "RMCA" apparently refers to the resource management cost account established in RCW 79.64.020. See RCW 79.01.088.

(2) This section does not apply to state tidelands, shorelands, harbor areas, and the beds of navigable waters. See RCW 79.01.093.

Severability--Effective date--1979 ex.s. c 109: See notes following RCW 79.01.036.

RCW 79.01.184 79.11.120 Sale procedure--Fixing date, place, and time of sale--~~Notice--Publication and posting--Direct sale to applicant without notice, when .~~

When the department of natural resources ~~shall have decided~~ decides to sell any state lands or valuable materials thereon, or with the consent of the board of regents of the University of Washington, or by legislative directive, ~~shall have decided~~ decides to sell any lot, block, tract, or tracts of university lands, ~~or the valuable materials thereon,~~ it shall be the duty of the department to fix the date, place, and time of sale, ~~and no sale shall be had on any day which is a legal holiday.~~ *{moved to 79.11.120 (1) below and 79.15.070 (2)}*

~~—The department shall give notice of the sale by advertisement published not less than two times during a four week period prior to the time of sale in at least one newspaper of general circulation in the county in which the whole, or any part of any lot, block, or tract of land to be sold, or the material upon which is to be sold is situated, and by posting a copy of the notice in a conspicuous place in the department's Olympia office, the region headquarters administering such sale, and in the office of the county auditor of such county. The notice shall specify the place, date, and time of sale, the appraised value thereof, and describe with particularity each parcel of land to be sold, or from which valuable materials are to be sold. In the case of valuable materials sales, the estimated volume will be identified and the terms of sale will be available in the region headquarters and the department's Olympia office.~~
{moved to 79.11.130 and 79.15.080}

~~—The advertisement is for informational purposes only, and under no circumstances does the information in the notice of sale constitute a warranty that the purchaser will receive the stated values, volumes, or acreage. All purchasers are expected to make their own measurements, evaluations, and appraisals.~~

{moved to 79.11.130 and 79.15.090}

~~—A direct sale of valuable materials may be sold to the applicant for cash at full appraised value without notice or advertising. The board of natural resources shall, by resolution, establish the value amount of a direct sale not to exceed twenty thousand dollars in appraised sale value, and establish procedures to ensure that competitive market prices and accountability will be guaranteed.~~

{moved to 79.15.050 (2)}

(1) No sale may be conducted on any day that is a legal holiday. *{from 1st para, above}*

(2) Sales must be held between the hours of 10:00 a.m. and 4:00 p.m. If all sales cannot be offered within this time period, the sale must continue on the following day between the hours of 10:00 a.m. and 4:00 p.m.

(3) Sales must take place:

(a) At the department's regional office administering the respective sale; or

(b) On county property designated by the board of county commissioners or county legislative authority of the county in which the whole or majority of state lands are situated.
{79.01.196}

[2001 c 250 § 6; 1997 c 116 § 2; 1989 c 148 § 2; 1988 c 136 § 3; 1983 c 2 § 17. Prior: 1982 1st ex.s. c 21 § 156; 1982 c 27 § 1; 1971 ex.s. c 123 § 2; 1969 ex.s. c 14 § 3; 1959 c 257 § 18; 1927 c 255 § 46; RRS § 7797-46; prior: 1923 c 19 § 1; 1913 c 36 § 1; 1909 c 223 § 4; 1907 c 152 § 1; 1897 c 89 § 14; 1895 c 178 § 28. Formerly RCW [79.12.300](#).]

NOTES:

Effective date -- 1983 c 2 § 17: "Section 17 of this act shall take effect on July 1, 1983." [1983 c 2 § 18.]

Severability -- 1983 c 2: See note following RCW [18.71.030](#).

Savings -- Captions -- Severability -- Effective dates -- 1982 1st ex.s. c 21: See RCW [79.96.901](#) through [79.96.905](#).

County auditor, transfer of duties: RCW [79.08.170](#). School and granted lands, manner and terms of sale: State Constitution Art. 16 § 2.

RCW ~~79.01.188~~ 79.11.130 ~~Sale procedure~~—Notice--Pamphlet—list of lands to be sold or valuable materials

(1) The department shall give notice of the sale by advertisement published not less than two times during a four week period prior to the time of sale in at least one newspaper of general circulation in the county in which the whole, or any part of any lot, block, or tract of land to be sold is situated, and by posting a copy of the notice in a conspicuous place in the department's Olympia office, the region headquarters administering such sale, and in the office of the county auditor of such county. The notice shall specify the place, date, and time of sale, the appraised value of the land, describe with particularity each parcel of land to be sold and specify that the terms of sale will be available in the region headquarters and the department's Olympia office.
{79.01.184}

{79.01.184}

(2) The advertisement is for informational purposes only, and under no circumstances does the information in the notice of sale constitute a warranty that the purchaser will receive the stated values, volumes, or acreage. All purchasers are expected to make their own measurements, evaluations, and appraisals.
{79.01.184}

{79.01.184}

(3) The ~~commissioner of public lands department~~ shall ~~cause to be printed~~ print a list of all public lands, ~~or valuable materials thereon~~, and the appraised value thereof, that are to be sold. This list should be published in a pamphlet form to be issued at least four weeks prior to the date of any sale of the lands ~~or valuable materials thereon~~. The list should be organized by county and by alphabetical order, and provide sale information to prospective buyers. The ~~commissioner of public lands department~~ shall retain for free distribution in ~~his or her~~ the Olympia office and the region offices sufficient copies of the pamphlet, to be kept in a conspicuous place, and, when requested so to do, shall mail copies of the pamphlet as issued to any requesting applicant. The ~~commissioner of public lands department~~ may seek additional means of publishing the information in the pamphlet, such as on the internet, to increase the number of prospective buyers.

{see also 79.15.080 (2)(b) and 79.15.090}

[2001 c 250 § 7; 1982 1st ex.s. c 21 § 157; 1959 c 257 § 19; 1927 c 255 § 47; RRS § 7797-47. Prior: 1923 c 19 § 1; 1913 c 36 § 1; 1909 c 223 § 4; 1907 c 152 § 1; 1897 c 89 § 14; 1895 c 178 § 28. Formerly RCW [79.12.310](#).]

NOTES:

Savings -- Captions -- Severability -- Effective dates -- 1982 1st ex.s. c 21: See RCW [79.96.901](#) through [79.96.905](#).

County auditor, transfer of duties: RCW [79.08.170](#).

RCW ~~79.01.192~~ 79.11.140 ~~Sale procedure~~—Additional advertising expense.

The ~~commissioner of public lands~~ department is authorized to expend any sum in additional advertising of such sale as ~~he it shall~~ determines to be for the best interest of the state.

{see also 79.15.080 (3)}

[1927 c 255 § 48; RRS § 7797-48. Prior: 1923 c 19 § 1; 1897 c 89 § 14. Formerly codified as RCW 79.12.320.]

RCW ~~79.01.204~~ 79.11.150 ~~Sale procedure~~—Conduct of sales—~~Deposits~~—~~Memorandum of purchase~~—~~Bid bonds~~.

Sales by public auction under this chapter shall be conducted under the direction of the department ~~of natural resources~~ or its authorized representative. The department or department's representative are hereinafter referred to as auctioneers. On or before the time specified in the notice of sale each bidder shall deposit with the auctioneer, in cash or by certified check, cashier's check, money order payable to the order of the department of natural resources, or by bid guarantee in the form of bid bond acceptable to the department, an amount equal to the deposit specified in the notice of sale. The deposit shall include a specified amount of the appraised price for the land ~~or valuable materials~~ offered for sale, together with any fee required by law for the issuance of contracts, deeds, or bills of sale. ~~Said~~ The deposit may, when prescribed in notice of sale, be considered an opening bid of an amount not less than the minimum appraised price established in the notice of sale. The successful bidder's deposit will be retained by the auctioneer and the difference, if any, between the deposit and the total amount due shall on the day of the sale be paid in cash, certified check, cashier's check, bank draft, or money order, made payable to the department. If a bid bond is used, the share of the total deposit due guaranteed by the bid bond shall, within ten days of the day of sale, be paid in cash, certified check, cashier's check, money order, or other acceptable payment method payable to the department. Other deposits, if any, shall be returned to the respective bidders at the conclusion of each sale. The auctioneer shall deliver to the purchaser a memorandum of his or her purchase containing a description of the land or materials purchased, the price bid, and the terms of the sale. The auctioneer shall at once send to the department the cash, certified check, cashier's check, bank draft, money order, bid guarantee, or other acceptable payment method received from the purchaser, and a copy of the memorandum delivered to the purchaser, together with such additional report of ~~his or her~~ the proceedings with reference to such sales as may be required by the department.

{see also 79.15.080 and 79.15.110}

[2001 c 250 § 8; 1982 c 27 § 2; 1979 c 54 § 3; 1961 c 73 § 4; 1959 c 257 § 22; 1927 c 255 § 51; RRS § 7797-51. Prior: 1923 c 19 § 1; 1913 c 36 § 1; 1909 c 223 § 4; 1907 c 152 § 1; 1897 c 89 § 14; 1895 c 178 § 28. Formerly RCW [79.12.350](#).]

RCW ~~79.01.148~~ 79.11.160 Deposit by purchaser to cover value of improvements.

~~If the~~ A purchaser of state lands ~~be~~ , who is not the owner of the authorized improvements thereon, ~~he~~ shall deposit with the auctioneer making the sale, at the time of the sale, the appraised value of such improvements. ~~, and The commissioner department shall pay to the owner of said the improvements the sum so deposited : PROVIDED, That . However,~~ when the improvements are owned by the state in accordance with the provisions of this chapter or have been acquired by the state by escheat or operation of law, the purchaser may, ~~in case of sale,~~ pay for such improvements in equal annual installments at the same time, and with the same rate of interest ~~on deferred payments,~~ as the installments of the purchase price of the land are paid, and under such rules ~~and regulations~~ regarding use and care of ~~said the~~ improvements as may be fixed by the ~~commissioner of public lands~~ department.

[1979 ex.s. c 109 § 7; 1935 c 57 § 1; 1927 c 255 § 37; RRS § 7797-37. Prior: 1915 c 147 § 2; 1909 c 223 § 3; 1907 c 256 § 6; 1901 c 148 § 1; 1899 c 129 § 1; 1897 c 89 § 12; 1895 c 178 § 23. Formerly RCW 79.12.160.]

Notes:

Reviser's note: This section does not apply to state tidelands, shorelands, harbor areas, and the beds of navigable waters. See RCW 79.01.093.

Severability--Effective date--1979 ex.s. c 109: See notes following RCW 79.01.036.

RCW ~~79.01.196~~ 79.11.165 Sale procedure--Place of sale--Hours--Reoffer--Continuance.

~~When sales are made by the county auditor, they shall take place at such place on county property as the board of county commissioners may direct in the county in which the whole, or the greater part, of each lot, block or tract of land, or the material thereon, to be sold, is situated. All other sales shall be held at the departmental district offices having jurisdiction over the respective sales. Sales shall be conducted between the hours of ten o'clock in the forenoon and four o'clock in the afternoon. {incorporated into 79.11.120 and 79.15.070 (4)}~~

Any sale which has been offered, and for which there are no bids received shall not be reoffered until it has been readvertised as specified in RCW ~~79.01.188 and 79.01.192~~ 79.11.130 and 79.11.140. If all sales cannot be offered within the specified time on the advertised date, the sale shall continue on the following day between ~~the hours of ten o'clock in the forenoon and four o'clock in the afternoon~~ 10:00 a.m. and 4:00 p.m.

{incorporated into 79.15.070 (3) and 79.15.150}

[1965 ex.s. c 23 § 3; 1959 c 257 § 20; 1927 c 255 § 49; RRS § 7797-49. Prior: 1923 c 19 § 1; 1913 c 36 § 1; 1909 c 223 § 4; 1907 c 152 § 1; 1897 c 89 § 14; 1895 c 178 § 28. Formerly RCW 79.12.330.]

RCW ~~79.01.212~~ 79.11.175 Sale procedure--Confirmation of sale.

~~If no affidavit showing that the interest of the state in such sale was injuriously affected by fraud or collusion, shall be filed with the department of natural resources within ten days from the receipt of the report of the auctioneer conducting the sale of any state lands, or valuable material thereon, and it shall appear from such report that the sale was fairly conducted, that the purchaser was the highest bidder at such sale, and that his the purchaser's bid was not less than the appraised value of the property sold, and if the department shall be satisfied that the lands, or material, sold would not, upon being readvertised and offered for sale, sell for at least ten percent~~

~~more than the price at which it shall have been sold, and that the payment, required by law to be made at the time of making the sale, has been made, and that the best interests of the state may be subserved thereby, the department shall enter upon its records a confirmation of sale and thereupon issue to the purchaser a contract of sale, deed or bill of sale, as the case may be, as in this chapter provided.~~

The department shall enter upon its records a confirmation of sale and issue to the purchaser a contract of sale if the following conditions have been met:

- (1) No fewer than ten days have passed since the auctioneer's report has been filed.
- (2) No affidavit is filed with the department showing that the interests of the state in the sale was injuriously affected by fraud or collusion.
- (3) It appears from the auctioneer's report that:
 - (a) The sale was fairly conducted; and
 - (b) The purchaser was the highest bidder and the bid was not less than the appraised value of the land sold.
- (4) The department is satisfied that the land sold would not, upon being readvertised and offered for sale, sell for at least ten percent more than the price bid by the purchaser.
- (5) The payment required by law to be made at the time of making the sale has been made.
- (6) The department determines the best interests of the state will be served by confirming the sale.

{RCW 79.01.212 reworded} {see also 79.15.120}

[1982 1st ex.s. c 21 § 158; 1959 c 257 § 23; 1927 c 255 § 53; RRS § 7797-53. Prior: 1907 c 256 § 7; 1903 c 79 § 2; 1897 c 89 § 15; 1895 c 178 § 29. Formerly RCW 79.12.370.]

Notes:

Savings--Captions--Severability--Effective dates--1982 1st ex.s. c 21: See RCW 79.96.901 through 79.96.905.

County auditor, transfer of duties: RCW 79.08.170.

RCW 79.01.208 79.11.190 ~~Sale procedure--Readvertisement of lands not sold.~~

~~If any land so offered for sale be is not sold, the same it may again be advertised for sale, as provided in this chapter, whenever in the opinion of the commissioner of public lands it shall be expedient so to do, and such land shall be again advertised and offered for sale as herein provided, so. Whenever any person shall apply applies to the commissioner department in writing to have such land offered for sale and shall agrees to pay, at least the appraised value thereof and shall deposits with the commissioner department at the time of making such application a sufficient sum of money to pay the cost of advertising such sale, the land shall again be advertised and offered for sale as provided in this chapter.~~

{reworded}

[1927 c 255 § 52; RRS § 7797-52. Prior: 1923 c 19 § 1; 1913 c 36 § 1; 1909 c 223 § 4; 1907 c 152 § 1; 1897 c 89 § 14; 1895 c 178 § 24. Formerly RCW 79.12.360.]

**RCW ~~79.01.228~~ 79.11.200 ~~Sale procedure--Form of contract / Rate of interest --~~
~~Forfeiture--Extension of time.~~**

The purchaser of state lands under the provisions of this chapter, except in cases where the full purchase price is paid at the time of the purchase, shall enter into and sign a contract with the state, to be signed by the commissioner ~~of public lands~~ on behalf of the state, with the seal of ~~his~~ the commissioner's office attached, and in a form to be prescribed by the attorney general, in which ~~he~~ the purchaser shall covenant ~~that he will to~~ make the payments of principal and interest, computed from the date the contract is issued, when due, and that ~~he~~ the purchaser will pay all taxes and assessments that may be levied or assessed on such land, and that on failure to make the payments as prescribed in this chapter when due all rights of the purchaser under said contract may, at the election of the commissioner ~~of public lands~~, acting for the state, be forfeited, and that when forfeited the state shall be released from all obligation to convey the land. The purchaser's rights under the real estate contract shall not be forfeited except as provided in chapter 61.30 RCW.

The contract provided for in this section shall be executed in duplicate, and one copy shall be retained by the purchaser and the other shall be filed in the department's Olympia office ~~of the commissioner of public lands~~.

The commissioner ~~of public lands~~ may, as ~~he~~ deems advisable, extend the time for payment of principal and interest on contracts heretofore issued, and contracts to be issued under this chapter.

The ~~commissioner of public lands~~ department shall notify the purchaser of any state lands in each instance when payment on ~~his~~ the purchaser's contract is overdue, and that ~~he~~ the purchaser is liable to forfeiture if payment is not made when due.

[1985 c 237 § 18; 1982 1st ex.s. c 21 § 162; 1959 c 257 § 26; 1927 c 255 § 57; RRS § 7797-57. Prior: 1897 c 89 §§ 17, 18, 27; 1895 c 178 §§ 30, 31. Formerly RCW 79.12.400.]

Notes:

~~Severability--Effective date--Application--1985 c 237:~~ See RCW 61.30.905 and 61.30.910.

~~Savings--Captions--Severability--Effective dates--1982 1st ex.s. c 21:~~ See RCW 79.96.901 through 79.96.905.

RCW ~~79.01.224~~ 79.11.210 ~~Sale procedure--Reservation in contract.~~

Each and every contract for the sale of, and each deed to, state lands shall contain the following reservation: "The party of the first part hereby expressly saves, excepts, and reserves out of the grant hereby made, unto itself and its successors and assigns forever, all oils, gases, coal, ores, minerals, and fossils of every name, kind, or description, and which may be in or upon said lands above described, or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals, and fossils; and it also hereby expressly saves and reserves out of the grant hereby made, unto itself and its successors and assigns forever, the right to enter by itself or its agents, attorneys, and servants upon said lands, or any part or parts thereof, at any and all times, for the purpose of opening, developing, and working mines thereon, and taking out and removing therefrom all such oils, gases, coal, ores, minerals, and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself its successors and assigns, forever, the right by its or their agents, servants, and attorneys at any and all times to erect, construct,

maintain, and use all such buildings, machinery, roads, and railroads, sink such shafts, remove such soil, and to remain on said lands or any part thereof for the business of mining and to occupy as much of said lands as may be necessary or convenient for the successful prosecution of such mining business, hereby expressly reserving to itself and its successors and assigns, as aforesaid, generally, all rights and powers in, to, and over said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and the rights hereby expressly reserved.

No rights shall be exercised under the foregoing reservation, by the state or its successors or assigns, until provision has been made by the state or its successors or assigns, to pay to the owner of the land upon which the rights reserved under this section to the state or its successors or assigns, are sought to be exercised, full payment for all damages sustained by said owner, by reason of entering upon said land: PROVIDED, That if said owner from any cause whatever refuses or neglects to settle said damages, then the state or its successors or assigns, or any applicant for a lease or contract from the state for the purpose of prospecting for or mining valuable minerals, or option contract, or lease, for mining coal, or lease for extracting petroleum or natural gas, shall have the right to institute such legal proceedings in the superior court of the county wherein the land is situate, as may be necessary to determine the damages which said owner of said land may suffer."

[1982 1st ex.s. c 21 § 161; 1927 c 255 § 56; RRS § 7797-56. Prior: 1917 c 149 § 1; 1915 c 147 § 3; 1907 c 256 § 3; 1897 c 89 § 16; 1895 c 178 §§ 25, 29. Formerly RCW 79.12.410.]

Notes:

Savings--Captions--Severability--Effective dates--1982 1st ex.s. c 21: See RCW 79.96.901 through 79.96.905.

RCW ~~79.08.110~~ 79.11.220 Relinquishment to United States, in certain cases of reserved mineral rights.

Whenever the state shall have heretofore sold or may hereafter sell any state lands and issued a contract of purchase or executed a deed of conveyance therefor, in which there is a reservation of all oils, gases, coal, ores, minerals and fossils of every kind and of rights in connection therewith, and the United States of America shall have acquired for governmental purposes and uses all right, title, claim and interest of the purchaser, or grantee, or his or her successors in interest or assigns, in or to ~~said the~~ contract or the land described therein, except such reserved rights, and no oils, gases, coal, ores, minerals or fossils of any kind have been discovered or are known to exist in or upon such lands, the commissioner ~~of public lands~~ may, if ~~he deems it is~~ advisable, cause to be prepared a deed of conveyance to the United States of America of such reserved rights, and certify the same to the governor in the manner provided by law for deeds to state lands, and the governor shall be, and hereby is authorized to execute, and the secretary of state to attest, a deed of conveyance for such reserved rights to the United States of America.

[1931 c 105 § 1; RRS § 8124-1.]

Notes:

Certification of deed to governor: RCW 79.01.220.

PART II Platting

RCW ~~79.01.100~~ 79.11.250 ~~Maximum area of urban or suburban state land~~ Platting. **Lands subject to platting.**

The department of ~~natural resources~~ shall cause all unplatted state lands, within the limits of any incorporated city or town, or within two miles of the boundary thereof, where the valuation of such lands is found by appraisal to exceed one hundred dollars per acre, to be platted into lots and blocks, of not more than five acres in a block, before the same are offered for sale, and not more than one block shall be offered for sale in one parcel. The department of ~~natural resources~~ may designate or describe any such plat by name, or numeral, or as an addition to such city or town, and, upon the filing of any such plat, it shall be sufficient to describe the lands, or any portion thereof, embraced in such plat, according to the designation prescribed by the department of ~~natural resources~~. Such plats shall be made in duplicate, and when properly authenticated by the department of ~~natural resources~~, one copy thereof shall be filed in the office of the department and one copy in the office of the county auditor in which the lands are situated, and ~~said~~ the auditor shall receive and file such plats without compensation or fees and make record thereof in the same manner as required by law for the filing and recording of other plats in ~~his~~ the auditor's office.

In selling lands subject to the provisions of Article 16, section 4, of the state Constitution, the department of ~~natural resources~~ will be permitted to sell the land within the required land subdivision without being required to complete the construction of streets, utilities, and such similar things as may be required by any local government entity in the instance of the platting of private or other property within their area of jurisdiction : ~~PROVIDED, That . However,~~ no construction will be permitted on lands so sold until the purchaser or purchasers collectively comply with all of the normal requirements for platting.

[1967 ex.s. c 78 § 4; 1959 c 257 § 6; 1927 c 255 § 25; RRS § 7797-25. Prior: 1909 c 223 § 2; 1907 c 256 § 5; 1903 c 74 § 1; 1897 c 89 § 11; 1895 c 178 §§ 17, 18. Formerly RCW 79.12.040.]

Notes:

Platting: State Constitution Art. 16 § 4.

Recording--Duties of county auditor: Chapter 65.04 RCW.

RCW ~~79.01.104~~ 79.11.260 ~~Vacation of plat by commissioner~~ Vested rights.

When, in the judgment of the ~~commissioner of public lands~~ department the best interest of the state will be thereby promoted, the ~~commissioner~~ department may vacate any plat or plats covering state lands, and vacate any street, alley or other public place therein situated. ~~PROVIDED, That~~ The vacation of any such plat shall not affect the vested rights of any person or persons theretofore acquired therein. In the exercise of ~~the foregoing power and this~~ authority to vacate the ~~commissioner~~ department shall enter an order in the records of ~~his~~ its office and at once forward a certified copy thereof to the county auditor of the county wherein ~~said~~ the platted lands are located. ~~and said~~ The auditor shall cause the same to be recorded in the miscellaneous records of ~~his~~ the auditor's office and noted on the plat by reference to the volume and page of the record.

[1959 c 257 § 7; 1927 c 255 § 26; RRS § 7797-26. Prior: 1903 c 127 §§ 1, 2. Formerly RCW 79.12.050.]

RCW ~~79.01.108~~ 79.11.270 Vacation on petition— / Preference right to purchase.

Whenever all the owners and other persons having a vested interest in the lands abutting on any street, alley, or other public place, or any portion thereof, in any plat of state lands, lying outside the limits of any incorporated city or town, ~~shall petition the commissioner of public lands therefor~~ department, the ~~commissioner~~ department may vacate any such tract, alley or public place or part thereof and in such case all such streets, alleys or other public places or portions thereof so vacated shall be platted, appraised and sold or leased in the manner provided for the platting, appraisal and sale or lease of similar lands : ~~PROVIDED, That .~~ However, where the area vacated can be determined from the plat already filed it shall not be necessary to survey such area before platting the same. The owner or owners, or other persons having a vested interest in the lands abutting on any of the lots, blocks or other parcels platted upon the lands embraced within any area vacated as ~~hereinabove~~ provided in this section, shall have a preference right for the period of sixty days from the date of filing with the department such plat and the appraisal of such lots, blocks or other parcels of land ~~in the office of the commissioner of public lands~~, to purchase the same at the appraised value thereof.

[1959 c 257 § 8; 1927 c 255 § 27; RRS § 7797-27. Prior: 1903 c 127 § 3. Formerly RCW 79.12.060.]

**PART III
Other Sale Provisions**

RCW ~~79.01.300~~ 79.11.290 Leased lands reserved from sale—~~Exemption~~.

State lands held under lease as ~~above~~ provided under chapter 79.13 RCW shall not be offered for sale, or sold, during the life of the lease, except upon application of the lessee.

[1927 c 255 § 75; RRS § 7797-75. Prior: 1897 c 89 § 23. Formerly RCW 79.12.560.]

RCW ~~79.01.301~~ 79.11.310 Sale of lands used for grazing or other low priority purposes which have irrigated agricultural potential—~~Applications—Regulations with low income potential~~.

(1) The purpose of this section is to provide revenues to the state and its various taxing districts through the sale of public lands which are currently used primarily for grazing and similar low priority purposes, by enabling their development as irrigated agricultural lands.

(2) All applications for the purchase of lands of the foregoing character, when accompanied by a proposed plan of development of the lands for a higher priority use, shall be individually reviewed by the board ~~of natural resources~~. The board shall thereupon determine whether the sale of the lands is in the public interest and upon an affirmative finding shall offer such lands for sale ~~under the applicable provisions of this chapter : PROVIDED, That .~~ However, any such parcel of land shall be sold to the highest bidder but only at a bid equal to or higher than the last appraised valuation thereof as established by appraisers for the department for any such parcel of land : ~~PROVIDED FURTHER, That .~~ Further, any lands lying within United States reclamation areas, the sale price of which is limited or otherwise regulated pursuant to federal reclamation laws or regulations thereunder, need not be offered for sale so

long as such limitations or regulations are applicable thereto.

(3) The department ~~of natural resources~~ shall ~~make~~ adopt appropriate ~~regulations~~ rules defining properties of such irrigated agricultural potential and shall take into account the economic benefits to the locality in classifying such properties for sale.

[1967 ex.s. c 78 § 5.]

RCW 79.01.728 79.11.320 Assessments paid to be added to purchase price of land.

(1) When any public land of the state ~~as defined in this chapter shall have been assessed~~ is offered for sale and the state has paid assessments for local improvements, or for benefits, by to any municipal corporation authorized by law to assess the same, and such the amount of the assessments have been paid by the state, and such land is offered for sale, there shall be added to the appraised value of such land, appraised as provided by this chapter.

(2) The amount of assessments paid by the state, which amount so added shall be paid by the purchaser in addition to the amount due the state for the land.

(3) In case of sale by contract under RCW 79.11.330 the purchaser may pay the assessments in equal annual installments at the same time, and with the same rate of interest upon deferred payments, as the installments of the purchase price for the land are paid, in addition to the amounts otherwise due to the state for said land, and

(4) No deed shall be executed until such assessments have been paid.
{reworded}

[1927 c 255 § 192; RRS § 7797-192. Prior: 1925 ex.s. c 180 § 1; 1909 c 154 § 7; 1907 c 73 § 3; 1905 c 144 § 5. Formerly RCW 79.44.110.]

Notes:

*Assessments paid by state to be added to purchase price of land: RCW 79.44.095.
{this has been incorporated into 79.11.320}*

NEW SECTION 79.11.340 Sale of acquired lands.

(1) Except as provided in RCW 79.10.030 (2) the department shall manage and control all lands acquired by the state by escheat, deed of sale, gift, devise or under chapter 79.19 RCW, except such lands that are conveyed or devised to the state for a particular purpose.

(2) When the department determines to sell the lands, they shall initially be offered for sale either at public auction or direct sale to public agencies as provided in this chapter.

(3) If the lands are not sold at public auction, the department may, with approval of the board ~~of natural resources~~, market the lands through persons licensed under chapter 18.85 RCW or through other commercially feasible means at a price not lower than the land's appraised value.

(4) Necessary marketing costs may be paid from the sale proceeds. For the purpose of this subsection, necessary marketing costs include reasonable costs associated with advertising the property and paying commissions.

(5) Proceeds of the sale shall be deposited into the appropriate fund in the state treasury unless the grantor in any deed or the testator in case of a devise specifies that the proceeds of the sale be devoted to a particular purpose.

{79.01.612}